

ORDINANCE NO.

AN ORDINANCE AMENDING MISCELLANEOUS SECTIONS OF CHAPTER 36 OF THE  
MOUNTAIN VIEW CITY CODE TO REMOVE OR CORRECT OBSOLETE OR  
INCORRECT SECTIONS AND REFERENCES

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY  
ORDAIN AS FOLLOWS:

Section 1. Findings. As part of the Zoning Ordinance update process, the City Council has approved amendments and reformatting of over one half of Chapter 36, generally deleting or updating references in the original ordinance when the newly updated sections are adopted. Part of the reason for updating and reformatting the Zoning Ordinance is that the original ordinance was poorly organized, with provisions dealing with common topics often occurring in various locations in the ordinance. Due to this fragmentation, some sections that should have been deleted or modified were missed in the original amendment process. This ordinance serves to delete those miscellaneous sections that have been replaced with newly updated sections and to correct various incorrect references, including replacing obsolete section references and street names occurring in the original ordinance. This amendment also simplifies the Zoning Ordinance by removing duplicate sections dealing with the administration of the ordinance.

Section 2. Various Sections Rescinded. The following sections and subsections of Mountain View City Code Chapter 36 are hereby rescinded in their entirety:

- (a) **Section 36.4.1**, regarding zoning district boundaries;
- (b) **Section 36.5 through and including Section 36.5(d)**, regarding interpretation of district boundaries;
- (c) **Section 36.5.2**, regarding use of land not zoned;
- (d) **Section 36.6**, "Application of regulations to districts generally";
- (e) **Section 36.7**, "Zoning maps" and "Planning commission";
- (f) **Section 36.22.5.1**, "Precise plan";
- (g) **Section 36.22.6 through and including Section 36.22.10**, regarding planned community permits;
- (h) **Section 36.22A.6 through and including Section 36.22A.9**, regarding special design permits;

- (i) **Section 36.22B.6 through and including Section 36.22B.7**, regarding TOD permit review;
- (j) **Section 36.23.1**, "Building height when combined with any R district";
- (k) **Section 36.25.2**, "Lot width required";
- (l) **Section 36.27.4**, "Forty-eight foot setback lines";
- (m) **Section 36.29.2(h)**, regarding uses not conforming to performance standards;
- (n) **Section 36.29.2(i)**, regarding nonconforming private swimming pools;
- (o) **Section 36.29.15 through and including Section 36.29.15B**, regarding significant tobacco retailers;
- (p) **Section 36.38**, "Parking of vehicles in conjunction with vehicle sales, towing and repair operations";
- (q) **Section 36.40.4(b) through and including Section 36.40.4(b)(5)**, regarding fences, walls, hedges and screen planting in R districts;
- (r) **Section 36.40.5**, "Utilities";
- (s) **Section 36.40.6**, "Landscaping maintenance";
- (t) **Article V**, "Permits, Variances, Amendments and Administrative Procedures" from Section 36.42, "Zoning permits," through and including Section 36.50.8;
- (u) **Section 36.51 through and including Section 36.51(c)(3)**, regarding SRO (efficiency studio) projects;
- (v) **Article VI**, "Enforcement, Penalties";
- (w) **Article VII**, "Zoning Administrator";
- (x) **Article VIII**, "Appeals"; and
- (y) **Article IX**, "Development Agreements."

Section 3. Amend Various Sections. The following sections of Mountain View City Code Chapter 36 are hereby amended to read:

(a) **SEC. 36.19.1**, regarding principal permitted uses in the ML District, to read in its entirety:

**"SEC. 36.19.1. Principal permitted uses.**

- (a) Administrative, executive, financial and other offices appropriate to the ML district. (Ord. No. 15.67, 6/26/67.)
- (b) Experimental, film or testing laboratories.
- (c) Manufacture, assembly or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semiprecious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials, or any use listed as a conditional use in the ML district.
- (d) Manufacture of electric and electronic instruments and devices, such as television, radio and phonographic equipment.
- (e) Manufacture of food products, pharmaceuticals and like, but not including operations involving fish, fats and oils, bones and meat products, or similar substances commonly recognized as creating offensive conditions in the handling thereof.
- (f) Crop and tree farming and livestock of the cow, horse, sheep or goat species, where at least ninety (90) percent of the acreage required by the Animal Control Ordinance is open and unimproved, and subject to the provisions of the Animal Control Ordinance and Sec. 36.39.10 of this code.
- (g) Wholesale businesses and warehousing, when conducted within a fully enclosed building.
- (h) Restaurants, including incidental sale of beer and wine for consumption on the premises and retail and service uses to serve employees in the ML district that meet the following criteria:
  - (1) The use is a minor, and clearly ancillary, part of a larger permitted or conditional use on a parcel.
  - (2) The total floor area of the commercial uses does not exceed three thousand (3,000) square feet.

- (3) The use is not immediately adjacent to loading docks, outside storage and equipment areas or other activity areas with high noise levels, odors or other conditions undesirable for commercial uses.
- (4) The use is not on a parcel, or adjacent to a parcel, where extremely hazardous materials, as defined in Section 36.3, Definitions, are used.
- (5) Parking is provided at a ratio that is no less than the ratio required for the primary use on the site.
- (6) Signs are permitted pursuant to Section A36.38, *et al.* In addition, commercial uses permitted under this section are allowed a freestanding sign with an area not to exceed ten (10) square feet. (Ord. No. 33.74, 10/28/74; Ord. No. 1.78, 1/9/78; Ord. No. 2.98, 1/13/98.)"

(b) **SEC. 36.19.3.1**, regarding prohibited uses in the ML District, to read in its entirety:

**"SEC. 36.19.3.1. Prohibited uses.**

- (a) **Prohibition.** No new child-care facility(ies) or highly sensitive use(s) shall be permitted in the ML district with the following exception: a child-care facility may be permitted if it meets all of the following requirements:
  - (1) The child-care facility is owned, operated and located on a company's site and exclusively serves parents employed in the company.
  - (2) The child-care facility is located at least one thousand (1,000) feet from the boundaries with adjacent properties zoned for industrial use or the adjacent property owner(s) agree(s) in writing to prohibit the use of extremely hazardous material on their property and notify any tenants of this restriction.
  - (3) The child-care facility received conditional use permit approval as provided in Section A36.60, *et al.*, of the Mountain View city code. The conditional use permit shall be in effect only while the same company occupies the site."

(c) **SEC. 36.19.6**, regarding other required conditions in the ML District, to read in its entirety:

**"SEC. 36.19.6. Other required conditions.**

- (a) Development review approval required as provided in Section A36.52, *et al.*, of the Mountain View city code.
- (b) Parking and loading adjacent to the public right-of-way must be screened with earth berming and/or walls and landscaping.

- (c) A minimum landscaped area of fifteen (15) percent of the lot area of interior lots and twenty (20) percent of corner lots shall be provided.
- (d) All roof equipment must be screened with an opaque screen to be compatible with the building materials, form and design.
- (e) Any trash containers must be within an opaque enclosure. (Ord. No. 1.78, 1/9/78; Ord. No. 35.79, 9/17/79; Ord. No. 10.83, 4/26/83.)"
- (d) **SEC. 36.20.3.1**, regarding prohibited uses in the MM District, to read in its entirety:

**"SEC. 36.20.3.1. Prohibited uses.**

- (a) **Prohibition.** No new child-care facility(ies) or highly sensitive use(s) shall be permitted in the MM district with the following exception: a child-care facility may be permitted if it meets all of the following requirements:
  - (1) The child-care facility is owned, operated and located on a company's site and exclusively serves parents employed in the company.
  - (2) The child-care facility is located at least one thousand (1,000) feet from the boundaries with adjacent properties zoned for industrial use or the adjacent property owner(s) agree(s) in writing to prohibit the use of extremely hazardous material on their property and notifies any tenants of this restriction.
  - (3) The child-care facility received conditional use permit approval as provided in Section A36.60, *et al.*, of the Mountain View city code. The conditional use permit shall be in effect only while the same company occupies the site.
- (b) **Application to the P (planned community) district.** This section shall apply to any P (planned community) district which permits uses listed in the MM (General Industrial) district. (Ord. No. 12.95, 5/30/95.)"

- (e) **SEC. 36.20.6**, regarding other required conditions in the MM District, to read in its entirety:

**"SEC. 36.20.6. Other required conditions.**

- (a) Development review approval required as provided in Section A36.52, *et al.*, of the Mountain View city code.
- (b) Parking and loading adjacent to the public right-of-way must be screened with earth berming and/or walls and landscaping.
- (c) Exterior storage shall be screened by fencing or landscaped treatment in such a manner as not to impair adjoining property values.

- (d) A minimum landscaped area of ten (10) percent of the lot shall be provided.
- (e) All roof equipment must be screened with an opaque screen designed to be compatible with the building materials, form and design.
- (f) Any trash containers must be within an opaque enclosure. (Ord. No. 1.78, 1/9/78; Ord. No. 35.79, 9/17/79; Ord. No. 10.83, 4/26/83.)"

(f) **Section 36.20A.6** regarding development approval in the PF District to read in its entirety:

**"SEC. 36.20A.6. Development review approval.**

Development review approval shall be required as provided in Section A36.52, *et al.*, of the Mountain View city code. In the case of projects of community-wide or regional significance, or where otherwise deemed appropriate by the council, special city council review may be substituted in lieu of development review permit approval."

(g) **Section 36.22.5.1** regarding types of project approvals in the P District to read in its entirety:

**"SEC. 36.22.5.1. Precise plan.**

The city may adopt a precise plan to delineate uses, relationships to other areas, intensity of use, circulation, design criteria, procedures for development review and special conditions.

A precise plan may authorize issuance of a planned community permit by the zoning administrator as provided in Section A36.68, *et al.*, and may authorize administrative approval of signs, minor site changes and minor building alterations that are in conformity with the plan without the necessity of a planned community permit, provided in all cases the precise plan contains reasonable and adequate standards for the granting of such administrative approvals.

- (a) The adoption or amendment of a precise plan may be initiated by the city council or the environmental planning commission or any interested party. Initiation by an interested party shall require payment of a filing fee as hereafter may be established by resolution of the city council, and the application shall be accompanied by materials supportive of the application and showing the exact nature of a proposed plan or amendment. Submitted materials should include statements justifying why the proper functioning of the community requires the adoption or amendment of the plan as proposed, and in the case of an amendment to a plan, why the plan is more suitable for the area than the existing plan. (Ord. No. 5.77, 1/10/77.)
- (b) The environmental planning commission shall hold at least one (1) public hearing thereon and shall give notice thereof as provided in Section 36.47.2(b). The

environmental planning commission shall within sixty (60) days after the close of such public hearing make its recommendation to the city council.

- (c) The city council shall hold at least one public hearing thereon after having given notice of such hearing as provided in Section 36.47.4(a) and may thereafter by resolution, adopt, amend or decline to adopt such precise plan. Any substantial amendment to the precise plan proposed by the environmental planning commission may be referred back to the environmental planning commission for comment. (Ord. No. 34.75, 10/27/75; Ord. No. 4.82, 3/30/82.)"

(h) **Section 36.22A.1** regarding description of the –sd Combining District to read in its entirety:

**"SEC. 36.22A.1. Description.**

The combining district provided by these sections shall be known as the special design or -sd combining district. It may be combined with any other zoning district designation provided for in this chapter in accordance with the procedures set forth in Section A36.74, *et al.*, of this chapter."

(i) **Section 36.22A.2** regarding findings for the application of the –sd Combining District to read in its entirety:

**"SEC. 36.22A.2. Findings.**

In addition to the procedures set forth in Section A36.74, *et al.*, of this chapter, both the environmental planning commission and the city council shall, as part of their final action in imposing said special design combining district, find that one or more of the characteristics set forth in Section 36.22A apply to the lot or area being considered for the special design combining district designation and shall so find and specify what these characteristics are."

(j) **Section 36.23.2** regarding nonresidential district height overlay limits to read in its entirety:

**"SEC. 36.23.2.** When combined with any district other than an R district, the building height limit in –H districts shall be specified in units of ten (10) feet, following the –H designation, as follows:

- H10 Ten-foot height limit.
- H20 Twenty-foot height limit."

(k) **Section 36.25.1** regarding building site area required to read in its entirety:

**"SEC. 36.25.1. Building site area required.**

Special minimum lot area shall be indicated by a number following a dash in the district designation for all zones other than residential zones. The said numbers shall represent the minimum required lot area in thousands of square feet; for example:

MM-40 General Industrial District - 40,000 square foot minimum lot area."

(l) **Section 36.27.2** regarding 35 foot setback from centerline to read in its entirety:

**"SEC. 36.27.2. Thirty-five (35) foot setback lines.**

The setback line for all buildings, structures or improvements shall be thirty-five (35) feet from the centerline of the following designated streets:

**Church Street.** From a point three hundred (300) feet west of the centerline of Castro Street to the centerline of Castro Street.

**High School Way.** From a point three hundred (300) feet west of the centerline of Castro Street to the centerline of Castro Street.

**Hope Street.** East side, between the centerline of Evelyn Avenue and the centerline of California Street; west side, between the centerline of California Street and the centerline of Mercy Street.

**Mercy Street.** Between the centerline of Castro Street and the centerline of Hope Street."

(m) **Section 36.37.2.1** regarding 37.5 foot setback from centerline to read in its entirety:

**"SEC. 36.37.2.1. Thirty-seven-and-one-half (37.5) foot setback lines.**

The setback line for all buildings, structures or improvements shall be thirty-seven-and-one-half (37.5) feet from the centerline of the following designated streets:

**Houghton Street.** Between the centerline of Villa Street and the centerline of Dana Street."



(n) **Section 36.37.10** regarding 85 foot setback from centerline to read in its entirety:

**"SEC. 36.37.10. Eighty-five (85) foot setback lines.**

The setback line for all buildings, structures or improvements shall be eighty-five (85) feet from the centerline of the following designated streets:

**Charleston Road.** Between the westerly city limits and Bayshore Freeway, U.S. 101.

**Old Middlefield Way.** Between the southwesterly side of Bayshore Freeway, U.S. 101 and the westerly city limits.

**North Shoreline Boulevard.** Between the southwesterly side of Bayshore Freeway, U.S. 101 and the centerline of Montecito Avenue.

**South Shoreline Boulevard.** Between the centerline of Montecito Avenue and the centerline of El Camino Real West."

(o) **Section 36.29.2** regarding nonconforming use of structures or buildings to read in its entirety:

**"SEC. 36.29.2. Nonconforming use of structures or buildings.**

- (a) The nonconforming use of any commercial, industrial or office building located in an "R" district, or in an area designated for residential use in the Mountain View general plan shall be terminated within forty (40) years of the date the use became nonconforming, unless a conditional use permit is obtained from the zoning administrator in accordance with the provisions of Section A36.60, *et al.*, to authorize the continuation of such use.

In considering whether or not such a permit may be issued, in addition to procedures and criteria contained in Section A36.60, *et al.*, the following criteria shall be applied:

- (1) The degree to which the use serves a need which is directly related or complementary to permitted uses of the property;
- (2) The degree to which the nonconforming use creates parking, traffic or congestion problems;
- (3) The degree to which the nonconforming use can be assured not to be detrimental to the habitability of adjacent properties throughout the period of its continued use; and
- (4) The degree to which the general appearance will not detract from the neighborhood character or desirability.

- (b) The use of a nonconforming residential building or mobile home, located in a "C," "M" or "O" district shall be allowed to continue for the structural life of the building.
- (c) The nonconforming use of a conforming building or structure may be continued for a period of five (5) years from October 29, 1973, the effective date of this provision, or five (5) years from the date the use becomes nonconforming, whichever date is later, at the end of which period such nonconforming use shall be changed to a conforming use or be terminated.
- (d) No existing building, structure or land devoted to a nonconforming use shall be enlarged, extended, reconstituted or substituted, or substantially altered, unless the use thereof is changed to a permitted use in the district in which such building, structure or land is located, except as follows:
  - (1) When authorized by the zoning administrator and in accordance with the provisions of Section A36.60, *et al.*, a nonconforming use may be changed to a use of the same or more restrictive nature.
  - (2) When authorized by the zoning administrator and in accordance with the provisions of Section A36.60, *et al.*, a nonconforming use of a building may be extended throughout those parts of the building which were manifestly designed or arranged for such use prior to the date when such use or such building became nonconforming, if no structural alterations, except for those required by law, are made therein.
  - (3) When authorized by the zoning administrator and in accordance with the provisions of Section A36.60, *et al.*, minor alterations to nonconforming residential developments may be authorized which do not exceed four hundred (400) square feet or twenty-five (25) percent of the floor area of the residential structure when it became nonconforming, whichever is less, and are only intended to increase the habitability of the residential unit
- (e) Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- (f) If the nonconforming use of a building, structure or premises ceases for a period of six (6) months or more, said use shall be considered abandoned; and said building, structure or premise shall thereafter be used only for uses permitted in the district in which it is located.
- (g) Where a structure or building containing a nonconforming use is damaged or destroyed by any natural disaster or accident and repair or replacement exceeds fifty (50) percent of the cost of construction of a comparable new building (as determined by the chief building inspector) it shall not be reconstructed to accommodate a nonconforming use. It may only be restored and used in conformity with the provision of the district.

- (h) All uses nonconforming at the time of adoption of this chapter, by reason of noncompliance with the performance standards stipulated in Sec. 36.36 through 36.36.6, shall adopt necessary measures and conform within three (3) years of the adoption of this chapter or shall be discontinued.
- (i) All uses, nonconforming by reason of noncompliance with the provisions related to private swimming pools described in Sec. 36.39, shall be made to conform therewith prior to April 1, 1971. (Ord. No. 27.66, 11/14/66; Ord. No. 11.68, 3/11/68; Ord. No. 34.73, 10/29/73; Ord. No. 21.75, 6/30/75; Ord. No. 11.78, 3/20/78.)"
- (p) **Section 36.29.3(a)** regarding nonconforming structures or buildings to read in its entirety:

**"SEC. 36.29.3. Nonconforming structures or buildings.**

- (a) Any nonconforming commercial, industrial or office building located in an "R" district or in an area designated for residential uses in the Mountain View general plan shall be removed within forty (40) years of the date the building or structure became nonconforming unless a conditional use permit is obtained from the zoning administrator in accordance with the provisions of Section A36.60, *et al.*, to authorize the continuation of the building or structure.
- (b) Any nonconforming residential building, structure or mobile home located in a "C," "M" or "O" district shall be allowed to continue for the structural life of the building, structure or mobile home.
- (c) Any expansion of a nonconforming building or structure must comply with the latest applicable property development standards of the district and not increase the degree of nonconformity which exists on the property.
- (d) Such repairs and maintenance may be made to a nonconforming building or structure as required to keep it in safe condition provided no structural alteration or replacement shall be made except as required by law or ordinance.
- (e) An existing nonconforming building or structure which is damaged by natural disaster or accident and the cost of restoration does not exceed fifty (50) percent of the cost of construction of a comparable new building (as determined by the chief building inspector) may be restored and used as before, provided that such restoration be completed within one (1) year of such happening. Where damage exceeds fifty (50) percent, such building may only be restored or replaced in accordance with the latest applicable property development standards of the district except as provided in Sec. 36.29.3(f).
- (f) If a nonconforming residential development located in any residential district is destroyed by any natural disaster or accident by more than fifty (50) percent of the

- cost of construction of a comparable new building (as determined by the chief building inspector), the building or structure may be reconstructed within one (1) year of such happening with the same number of units, provided that the reconstructed portions conform to the latest property development standards of the district applicable to the total number of units on the site at the time of reconstruction (e.g., R3\* development standards must be complied with of any development having three or more units).
- (g) When authorized by the zoning administrator in accordance with the provisions of Sec. A36.60, *et al.*, minor alterations to nonconforming residential developments may be authorized which do not exceed four hundred (400) square feet or twenty-five (25) percent of the floor area of the residential structure when it became nonconforming, whichever is less, and are only intended to increase the habitability of the residential unit.
  - (h) When a development does not meet development standards of the zone, modifications which bring the development more into conformance with the zone may be permitted with site plan and architectural approval.
  - (i) If an existing nonconforming structure in the R1 district is expanded such that the expanded structure is more than twice the size of the original structure, the entire structure must comply with the latest applicable property development standards of the district. (Ord. No. 25.75, 7/14/75; Ord. No. 11.78, 3/20/78; Ord. No. 10.83, 4/26/83; Ord. No. 20.91, 11/26/9.)"
  - (q) **Section 36.29.3A** regarding nonconforming remnant parcels to read in its entirety:

**"SEC. 36.29.3A. Development of a remnant parcel.**

A nonconforming remnant parcel or parcels, as defined in Article A36.95, *et al.*, which is merged with a contiguous developed parcel, may, after merger of these parcels, be developed or redeveloped at a density equal to the legal nonconforming density of the previously developed parcel. Except as specifically exempted herein, such development of the remnant parcel shall comply with all other applicable sections of this chapter. The development shall not result in an overall reduction of existing landscaping, amenities or parking."

- (r) **Section 36.40.2** regarding side yard along a side street to read in its entirety:

**"SEC. 36.40.2. Side yard on a corner lot.**

The side yard along a side street on a corner lot shall have a minimum of ten (10) feet, except where a larger or smaller yard may be required or allowed by an applicable precise plan or by building setback provisions of this chapter for specific zone districts or along specific streets."

(s) **Section 36.40.4** regarding fences, walls, hedges and screen planting to read in its entirety:

**"SEC. 36.40.4. Fences, walls, hedges and screen planting.**

Fences, walls, hedges and screen planting may be located as follows:

- (a) In the CN, CO, ML or MM districts, fences may not exceed three (3) feet in height within the required front yard or street setback area unless they are incidental to and related to the residential use of the land, in which case they shall be regulated by the fence regulations for "R" districts. In all nonresidential districts, in required yards other than front yards and street setback areas, fences may not exceed seven (7) feet in height."

(t) **Section 36.88** regarding the BMR appeal process to read in its entirety:

**"SEC. 36.88. Appeals.**

Appeals of a BMR condition in a zoning permit or parcel or subdivision map shall be to the community development director or designee. The director shall hold a public hearing to consider any appeals in accordance with the procedures of this chapter, Section A36.54, *et al.* Appeals of any decision of the community development director pursuant to this program may be made to the city council in accordance with this chapter, Article A36.80, *et al.*"

(u) **Section A36.14.020**, Commercial Zone Land Use Permit Requirements, to read in its entirety:

**"SEC. A36.14.020. Commercial zone land use permit requirements.**

The uses of land allowed by this chapter in each commercial zoning district are identified in the following tables as being:

- A. Permitted subject to compliance with all applicable provisions of this chapter, including development review, and subject to first obtaining any building permit or other permit required by the city code ("P" uses on the tables). Per Section A36.52.020(B3), development review approval is required for changes from one permitted use to another, including changes in property or building use that involve exterior modifications or change the development's required parking.
- B. Allowed subject to approval of a conditional use permit ("CUP") (Section A36.60).
- C. Allowed subject to approval of a temporary use permit ("TUP") (Section A36.54).
- D. Land uses listed, as specifically defined in this chapter, and on the tables in a particular zoning district(s) shall only be allowed in the specific zoning district(s) in

which it is listed. Such uses can only be allowed in other zoning district(s) upon approval of a text amendment as provided by Section A36.74 (zoning amendment). These uses cannot be named as similar uses as determined by the zoning administrator through the conditional use permit process or Section A36.90.020 (procedures for interpretation).

- E. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Section A36.10.030(B) (determination of allowable land uses) or (D) (exemptions from zoning permit requirements).

**Note:** Where the last column on the following tables ("See Section") includes a section number, there are specific regulations in the referenced section that apply to the use; however, provisions in other sections may apply as well.

## COMMERCIAL ZONES AND PERMIT REQUIREMENTS

Note: Changes from one permitted use to another require Development Review approval.

LAND USE	PERMIT REQUIREMENT BY ZONE				
MANUFACTURING & PROCESSING	CN	CS	CO	CRA	SEE SECTION
Food products		P			
Furniture and fixtures		P			
Laundry and Dry Cleaning Plants		P			
Printing and publishing		P			
Recycling - reverse vending machines	P	P	P	P	A36.42.130
Recycling - small collection facility	P	P	P	P	A36.42.130
Wholesaling and distribution		P			

## COMMERCIAL ZONES AND PERMIT REQUIREMENTS (Continued)

Note: Changes from one permitted use to another require Development Review approval.

LAND USE	PERMIT REQUIREMENT BY ZONE				
<b>RECREATION, EDUCATION, PUBLIC ASSEMBLY</b>	<b>CN</b>	<b>CS</b>	<b>CO</b>	<b>CRA</b>	<b>SEE SECTION</b>
Adult entertainment establishments				CUP	A36.42.030
Child day care facilities	CUP	CUP	CUP	CUP	A36.42.050
Churches	CUP		CUP	P	
Community centers	CUP		CUP	CUP	
Indoor recreation and fitness centers	CUP	CUP		P	
Libraries and museums	CUP		CUP	CUP	
Membership organization facilities and meeting halls			CUP	CUP	
Outdoor commercial recreation				CUP	
Pool and billiard rooms				CUP	
Public Schools	CUP	CUP	CUP	CUP	
Private Schools	CUP		CUP	CUP	
Schools - specialized education and training	CUP	CUP	CUP	CUP	
Studios for dance, art, music, photography, martial arts etc.	CUP	CUP	CUP	P	
Theaters				CUP	
<b>RESIDENTIAL</b>	<b>CN</b>	<b>CS</b>	<b>CO</b>	<b>CRA</b>	<b>SEE SECTION</b>
Home occupations				P	A36.42.100
Multi-family housing, townhouses, rowhouses or mixed-use commercial/housing				CUP	A36.14.030(E2)
Residential accessory use structures				P	A36.12.040(G)
Efficiency Studios				CUP	A36.42.080
<b>RETAIL TRADE</b>	<b>CN</b>	<b>CS</b>	<b>CO</b>	<b>CRA</b>	<b>SEE SECTION</b>
Accessory retail uses	P	P	P	P	A36.42.020
Auto, mobile home, trailer and boat sales		P		CUP	
Bars and drinking places		CUP		CUP	
Building material stores (not including concrete)		P		CUP	
Certified farmer's markets				CUP	
Drive-in and drive-through sales	CUP	CUP		CUP	A36.42.060
Fuel and ice dealers		P		CUP	
Furniture, furnishings, and home equipment stores		CUP		P	
Grocery stores	P	CUP		P	
Liquor stores	CUP			P	
Outdoor merchandise and activities		CUP		CUP	A36.42.120
Outdoor retail sales, temporary	TUP	TUP	TUP	TUP	A36.54
Restaurants serving liquor, with entertainment				CUP	
Restaurants serving liquor, without entertainment	CUP	CUP		P	
Restaurants with or without beer and wine	P	CUP		P	
Restaurants, take-out	P	CUP		P	
Retail stores, general merchandise	P	CUP		P	
Second hand stores		CUP		CUP	
Shopping centers	P			CUP	
Significant Tobacco Retailer				CUP	A36.42.160
Warehouse retail stores		CUP			A36.42.190

## COMMERCIAL ZONES AND PERMIT REQUIREMENTS (Continued)

Note: Changes from one permitted use to another require Development Review approval.

LAND USE	PERMIT REQUIREMENT BY ZONE				
SERVICES	CN	CS	CO	CRA	SEE SECTION
Automatic teller machines (ATMs)	P	P	P	P	
Banks and financial services	P		P	P	
Business support services		P		P	
Cemeteries, columbarium's and mortuaries			CUP	P	
Commercial Parking Lots		CUP		CUP	
Contractors equipment: storage, sales, or rental		P			
Drive-in and drive-through services	CUP	CUP	CUP	CUP	A36.42.060
Hotels and motels				CUP	A36.14.030(E)
Plant Nursery		P		CUP	
Massage Establishments	CUP		CUP	CUP	A36.42.110
Medical Services					
• Medical services - < 3,000 sq.ft.	P		P	P	
• Medical services - 3,000 - 20,000 sq.ft.	CUP		P	P	
• Medical services - > 20,000 sq.ft.			CUP	CUP	
• Medical services - hospitals and extended care			CUP	CUP	
Offices (not to exceed .35 FAR)					
• Offices	CUP		P	P	A36.14.030(C)
• Administrative and executive			P	P	
Personal Storage Facilities		P			
Personal services	P			P	
Public safety and utility facilities	CUP	P	CUP	CUP	
Repair and maintenance - consumer products	P	P		P	
Research & Development/Light Testing & Assembly				CUP	36.14.030E
Repair and maintenance - vehicle, major work		P			Chapter 39
Repair and maintenance - vehicle, minor work		P		CUP	Chapter 39
Service stations	CUP	CUP		CUP	A36.42.150
Storage, accessory	P	P	P	P	
Tow yards		CUP			
Veterinary clinics and animal hospitals	CUP	P	P	CUP	A36.42.180
Electrical, plumbing, and carpenter shops		P			
Warehousing		P			



## COMMERCIAL ZONES AND PERMIT REQUIREMENTS (Continued)

Note: Changes from one permitted use to another require Development Review approval.

LAND USE	PERMIT REQUIREMENT BY ZONE				
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TRANSPORTATION & COMMUNICATIONS	CN	CS	CO	CRA	SEE SECTION
Antennas, communications facilities	CUP	CUP	CUP	CUP	A36.30.020(B)
Pipelines and utility lines	P	P	P	P	
Transit stations and terminals		CUP		CUP	
Vehicle storage		P			

OTHER USES	CN	CS	CO	CRA	SEE SECTION
Other uses not named but similar to listed uses as determined by the Zoning Administrator	CUP	CUP	CUP	CUP	36.02.020(C)

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and Development Review required	P	A36.52
Conditional use, Conditional Use Permit required	CUP	A36.60
Temporary use, Temporary Use Permit required	TUP	A36.54
Use not allowed		(Blank)

See A36.3 for definitions of land uses."

(v) **Section A36.95.020**, Definition of Specialized Terms and Phrases, to read in its entirety:

### "SEC. A36.95.020. Definitions of specialized terms and phrases.

**Administrative office.** Offices and service facilities performing headquarters, regional or other organizational management and administrative services for firms and institutions.

**Accessory retail uses (land use).** The retail sales of various products (including food) in a store or similar facility that is located within and an incidental part of an health-care, hotel, office or industrial complex for the purpose of serving employees or customers and is not visible from public streets. These uses include pharmacies, gift shops and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

**Accessory use or structure.** A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building, including disaster storage containers when in conformance with the city of Mountain View Disaster Container Guidelines.

(a) **Accessory structure, large.** A detached structure that is intended primarily for storage, garage, recreational or living use but which is not a dwelling unit and which is limited in size to a maximum of five hundred (500) square feet.

- (b) **Accessory structure, small.** A detached structure that is intended primarily for storage, garage or recreational use and is limited in size to a maximum of three hundred (300) square feet.

**Adult entertainment establishment.** "Adult entertainment establishment" means any facility or place of business primarily intended for the conduct, operation or transaction of activities intended for adult entertainment involving sexual matters such as, but not limited to, any adult bookstore, adult motion picture theater, adult cabaret or adult theater or any business at which videos of adult movies or films are sold or rented constitute over twenty (20) percent of the titles offered or over twenty (20) percent of actual display area of the store whichever is greater, regardless of whether any other use is also conducted on the premises. For the purposes of this chapter, the definitions of "Adult entertainment enterprise," "Adult bookstore," "Adult motion picture theater," "Adult cabaret" and "Adult theater" contained in Sec. 26.52 shall govern.

**Agent of owner.** Any person who can show written authority that he is acting for the property owner.

**Agriculture.** The use of the land for farming, pasturage, horticulture, floriculture, viticulture, apiaries and animal husbandry, and the necessary accessory uses for storing produce provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**Alley or lane.** A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

**Antennas, communications facilities.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular telephone, and data network communications, including commercial earth stations for satellite-based communications. Includes antennas, towers, commercial satellite dish antennas and equipment buildings. Does not include:

- (a) Home television and radio receiving antennas including noncommercial satellite dish antennas for home use, which are included under "Residential accessory uses."
- (b) Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections, which are included under "Pipelines and utility lines."

**Apartment.** A dwelling unit in a multi-family building.

**Auto, mobile home, vehicle and parts sales.** Retail establishments selling and/or renting new and used automobiles, boats, vans, campers, trucks, mobile homes, recreational and utility trailers, motorized farm equipment, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds, which are included under "Retail stores, general merchandise"). Also includes stores selling new automobile parts, tires and accessories

(does not include tire recapping establishments, which are found under "Repair and maintenance - vehicle"), as well as businesses dealing in used automobiles exclusively. May include an open lot for display of vehicles only. Does not include businesses dealing exclusively in used parts, which are included under "Recycling - scrap and dismantling yards." Includes repair shops only when part of a dealership selling new vehicles on the same site. Does not include "Service stations," which are separately defined.

**Automatic teller machine (ATM).** A machine used by bank and financial service patrons for conducting transactions including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this chapter.

**Automobile repair, major.** All repair and servicing or maintenance work not provided for under "Automotive repair, minor," including, but not limited to, general repair, rebuilding or reconditioning of: (a) major vehicle components, such as engines, transmissions and differentials; (b) nonpassenger vehicles, motor homes or trailers and trucks exceeding one-and-one-half (1-1/2) ton capacity; or (c) body frame or fender components, including collision services, upholstery or painting or operations including a open flame or welding.

**Automobile repair, minor.** The general servicing and maintenance of passenger cars and trucks not exceeding one-and-one-half (1-1/2) ton capacity. Such servicing may include, but is not limited to: (a) engine computer diagnosis and the repair or replacement of parts and gaskets external to the basic block, such as intake and exhaust manifolds, carburetors and water pumps; (b) the repair or replacement of worn or defective brake parts, clutch parts, mufflers, exhaust system parts, wheel bearings, shock absorbers, tires, batteries, spark plugs, air conditioning, electrical system and other accessible minor parts; and (c) maintenance work such as the changing or supplementing of vehicle fluids and the adjustment of mechanical components while on the vehicle. "Automotive repair, minor" shall not include any of the activities listed as "Automotive repair, major."

**Automobile wrecking.** The dismantling or disassembling of motor vehicles or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

**Banks and financial services.** Financial institutions including banks and trust companies; lending and thrift institutions, credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies. See also, "Automatic teller machine."

**Bars and drinking places.** A building or tenant space within a building where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs and similar establishments where any food service is subordinate to the sale of alcohol. May include entertainment such as live music and/or dancing if specifically permitted.

**Boarding or lodging house.** A dwelling or part thereof, other than a hotel or motel, where lodging with or without meals is provided for compensation for three (3) or more persons; or a dwelling unit accommodating six (6) or more unrelated persons living together as a housekeeping unit.

**Boat yard.** A place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

**Building.** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building lot.** A lot occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, together with such open spaces as are required by this chapter, and having a required frontage on a street; or a planned unit development approved by the zoning administrator under the provisions of Sec. A36.58 of this chapter.

**Building, main.** A building in which is conducted the principal use of the building site on which it is situated.

**Building material stores.** Primarily indoor retail establishments selling lumber and other large building materials and also including paint, wallpaper, glass, fixtures, nursery stock, lawn and garden supplies (which may also be sold in hardware stores, included under the definition of "Retail stores, general merchandise"). Includes all such stores selling to the general public, even if contractor sales account for a larger proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, air conditioning equipment and supplies to contractors or to other wholesalers are classified in "Wholesaling and distribution."

**Business support services.** Establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes:

- business equipment repair services (except vehicle repair, see "Repair and maintenance - vehicle")
- commercial art and design (production)
- computer-related services (rental, repair)
- copying, quick printing and blueprinting services
- equipment rental businesses within buildings (rental yards are "Storage yards and sales lots")
- film processing laboratories
- heavy equipment repair services where repair occurs on the client site
- janitorial services
- mail advertising services (reproduction and shipping)
- other "heavy service" business services
- outdoor advertising services
- photocopying
- photofinishing
- protective services (other than office related)
- soils and materials testing laboratories
- window cleaning

**Camp car.** A vehicle with or without motive power that is designed or used for human habitation.

**Camper.** A structure intended for human habitation that is designed to be carried in the cargo space of a separate motor vehicle when in use.

**Cemeteries, columbariums and mortuaries.** Internment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries; cemetery, mausoleum, crematorium and columbarium operations; and full-service funeral parlors, whether accessory to or separate from a cemetery or columbarium.

**Child-care facilities.** A facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. Child-care facilities include small-family child-care homes, large-family child-care homes and child-care centers. Child-care facilities are required to be licensed by the California State Department of Social Services.

- (a) **Small-family child-care home.** A child-care facility located in a residence where an occupant of the residence provides care and supervision for up to six (6) children for periods of less than twenty-four (24) hours per day. Children under the age of ten (10) years who reside at the residence are counted in the six (6) children maximum for small-family child-care homes.
- (b) **Large-family child-care home.** A child-care facility located in a residence where an occupant of the residence provides care and supervision of seven (7) to fourteen (14) children for periods of less than twenty-four (24) hours. Children under the age of ten (10) years who reside in the residence are included in the number of children served by the large-family child-care home.
- (c) **Child-care centers.** A commercial or nonprofit facility that provides care and supervision of minor children for periods of less than twenty-four (24) hours. This includes infant centers, preschools, sick-child centers and school-age child-care facilities but does not include small- and large-family child-care homes. Child-care centers may be operated in conjunction with a school or church facility or as an independent land use.

**Churches.** Religious organization facilities operated for worship or promotion of religious activities, including churches and religious Sunday-type schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day-care facilities where authorized by the same type of land use permit required for the church itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp), are classified according to their respective activities.

**City council.** The city council of the city of Mountain View, California.

**Commercial coach.** A vehicle, other than motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

**Commission or planning commission.** The environmental planning commission of the city of Mountain View, California.

**Community center.** Multi-purpose meeting, banquet and recreational facilities typically consisting of one (1) or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

**Community development director.** The director of the community development department of the city of Mountain View.

**Community service organization.** Any organization, group, society, corporation, institution or other entity, organized solely for religious, charitable, educational, scientific or literary purposes, no part of the net earning of which benefits any private stockholder or individual.

**Construction contractors.** Storage yard operated by, or on behalf of, a contractor licensed by the state of California for storage of large equipment, vehicles or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

**Convalescent hospital.** See "Medical services - extended care."

**Court.** An open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

**Crop and tree farming.** The use of land for horticultural uses.

**Disaster storage container.** An independent self-contained storage container, which conforms to the city of Mountain View disaster storage container guidelines for the sole purpose of storing disaster supplies, such as water, food, blankets, cots and emergency medical and rescue supplies, inspected and regulated by the city of Mountain View fire department, office of emergency services.

**District.** A portion of the territory of the city of Mountain View within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

- (a) Where certain uses are required to be a specified distance from "any R district" as provided in this chapter, the term "any R district" shall include any R1, R2, R3 or

RMH district, or any A district or portion thereof designated for future residential uses in the Mountain View general plan.

(b) The term "any C district" shall include any CN, CS, CO, CRA district.

(c) The term "any M district" shall include any ML or MM district.

**Drive-in and drive-through sales.** Facilities where food or other products may be purchased by motorists without leaving their vehicles. Such facilities include fast-food restaurants, drive-through dairies, etc.

**Drive-in and drive-through services.** Facilities where services may be obtained by motorists without leaving their vehicles. Such facilities include drive-up teller windows in banks, etc. Does not include: automatic teller machines (ATMs) or service stations, which are separately defined, or car washes, which are included in the definition of "Repair and maintenance - vehicle."

**Duplex.** A detached structure under single ownership containing two (2) dwellings.

**Dwelling group.** A group of three (3) or more detached dwellings having any yard or court in common.

**Dwelling or dwelling unit.** A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one (1) kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one (1) household on a long-term basis. Types of dwellings include single-family dwellings, duplexes, multiple-family dwellings, mobile homes and townhouses, all of which are separately defined.

**Efficiency studio.** An efficiency studio is a commercial facility where individual secure rooms with a minimum size of one hundred fifty (150) square feet and a maximum size, excluding the manager's unit, of four hundred (400) square feet are rented to a one- (1) or two- (2) person household for a weekly or monthly period of time. Efficiency studio developments are characterized by having a single point of ingress for tenants which is staffed twenty-four (24) hours a day. No external entryways to individual units are allowed.

**Extremely hazardous materials.** Materials that are extremely toxic and listed in the Code of Federal Regulations, Title 40, Chapter I, Subchapter J, Part 355, "Emergency Planning and Notification," Appendix A (as referenced in California Health and Safety Code, Division 20, Chapter 6.95, Article 2, Section 25532) and that exceed the following thresholds for the total quantity of materials within the facility for any of the following extremely hazardous materials:

Extremely hazardous gases or liquids that act as a gas upon release at normal temperature and pressure (70°F and 760 mm Hg) as specified in the city of Mountain View toxic gas ordinance, Chapter 24, Mountain View city code;

Extremely hazardous liquids (not included in the previous definition) that are at or above the threshold planning quantity (TPQ) as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A, for any single extremely hazardous material; and

Extremely hazardous solids that are at or above the TPQ as described in the Code of Federal Regulations, Title 40, Part 355, Appendix A. When two (2) TPQs are listed, the lower TPQ applies to solids in powder form (particle size less than one hundred (100) microns, or handled/stored in solution or molten form, or meets the NFPA criteria of 2, 3, or 4 reactivity).

**Filling station or automobile service station.** A building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.

**Flag lot.** An interior lot which is located behind another lot and which has access to a public street by means of a narrow driveway, or flag "pole," which is a part of the flag lot.

**Floor area ratio (FAR).** The ratio of gross floor area to lot area.

**Food products (land use).** Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes:

- (a) Bakery products, sugar and confectionery products (except facilities that produce baked goods only for on-site sales with no wider distribution which are included under "Retail stores, general merchandise");
- (b) Beverage and liquor production (except in wineries, which are included under "Ag processing"; and beer brewing as part of a brew pub, bar or restaurant, which are included under "Bars");
- (c) The bottling, canning, preserving and related processing of products for human consumption, but not including animal slaughtering or rendering; and



- (d) Miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

(Operations on crops after harvest are included under "Agricultural processing uses," Page V-1).

**Frontage, building or occupancy.** The length of that portion of a building or ground-floor occupancy which abuts a street, publicly used parking area or mall appurtenant to said building or occupancy expressed in lineal feet and fractions thereof.

**Frontage, lot.** The length of that portion of a lot which abuts a street expressed in lineal feet and fraction thereof.

**Fuel and ice dealers.** Retail trade establishments primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, as a principal use.

**Furniture and fixtures.** Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and wood products."

**Furniture, furnishings and home equipment stores.** Stores primarily selling: home furnishings such as furniture, floor coverings, draperies, glass and chinaware, stoves, refrigerators, other household electrical and gas appliances, including televisions and home sound systems; and outdoor furniture, such as lawn furniture, movable spas and hot tubs. Also includes the retail sale of office furniture and large musical instruments.

**Garage or carport.** A permanently constructed building, available for the parking of a motor vehicle, with covered roof, having inside dimensions not less than nine (9) feet wide and twenty (20) feet long with necessary paved area for access.

**Grade.** The lowest point of the elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall.

**Gross floor area.** The floor area enclosed within the walls of a building and measured from the outside perimeter of said walls, expressed in square feet and fractions thereof.

**Habitable trailer.** A generic term for any of those vehicles for human habitation which are designed to be mobile but which do not contain their own motive power. See definitions for "Camp car," "Mobile home," "Trailer coach" and "Travel trailer."

**Height of building, nonresidential.** The vertical distance from the elevation of the top of the existing or planned curb along the front property line to the highest point of the coping

of a flat roof or to the top of the slope of a mansard roof or the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

**Height of building, residential.** The vertical distance from the elevation of the top of the existing or planned curb along the front property line to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or the ridge for gable, hip or gambrel roofs, excluding chimneys or vents.

**Height of wall, nonresidential.** The vertical distance from the grade along a given wall to the highest point of the coping of a flat roof or to the top of the slope of a mansard roof or to the mean height level between eaves and ridge for gable, hip or gambrel roof.

**Height of wall, residential.** The vertical distance from the grade along a given wall to the wall plate.

**Highly sensitive uses.** A facility that is principally intended to be occupied by more than twelve (12) children under the age of thirteen (13) years, or more than six (6) nonambulatory, physically disabled or mentally impaired senior citizens, and other similar facilities with populations which would be difficult to evacuate in the event of an unauthorized release or discharge of an extremely hazardous material and who are physiologically more sensitive to exposure to toxic materials than the general population.

**Home occupation.** A use conducted entirely within a building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which complies with the conditions of Sec. A36.42.110.

**Hospital.** See "Medical services – hospitals."

**Hotels and motels.** Guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging (less than thirty (30) days). Hotels provide access to most guest rooms from an interior walkway. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, restaurants and meetings rooms, etc.

**Illumination, indirect.** Illumination from sources concealed behind opaque surfaces including, but not limited to, concealed flood lighting, remote source lighting, recessed cove lighting and reverse pan channel sign letters.

**Illumination, interior.** Illumination from behind a translucent surface.

**Illumination, light source.** Illumination from visible light sources including, but not limited to, exposed neon tubing or exposed incandescent or fluorescent lamps.

**Indoor recreation and fitness centers.** Primarily indoor establishments providing amusement, entertainment or physical fitness services for a fee or admission charge,

including: arcades containing coin-operated amusements and/or electronic games (five (5) or more such games or coin-operated amusements in any establishment are considered an arcade as defined here; four (4) or less are not considered a land use separate from the primary use of the site); card rooms; bowling alleys; ice skating and roller skating; dance halls, clubs and ballrooms that are principal uses rather than being subordinate to a bar or restaurant; fitness centers, gymnasiums, health and athletic clubs including indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include billiard rooms, which are separately defined.

**Junkyard.** A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative condition, or salvaged materials incidental to manufacturing operations.

**Kennel.** Shall mean any building, structure, enclosure or premises where upon or within which four (4) or more dogs or cats are kept for any reason or purpose whatsoever. The term shall not include dogs or cats under four (4) months of age.

**Laundries and dry cleaning plants.** Service establishments primarily engaged in high-volume laundry (serving multiple locations) and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaners (which includes self-contained facilities with dry-cleaning equipment serving the specific location only) which are classified in "Personal services."

**Lot.** A parcel of land used or capable of being used under the regulations of this chapter, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

**Lot area.** The computed area contained within the lot lines, said area to be exclusive of street rights-of-way, but including portions held in fee title in the same ownership which may have easements for such purposes as utilities or flood control channels.

**Lot, corner.** A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

**Lot, coverage.** That percentage of the total lot area covered by structures as herein defined.

**Lot, depth.** The mean horizontal distance between the front and the rear lot lines.

**Lot, key.** A lot to the rear of a corner lot, the front of which is substantially a continuation of the side property line of the corner lot.

**Lot line, front.** The front lot line on a corner lot shall be the line with the shortest frontage unless, at the time of development, the longer frontage is designated by the owner to be the front. When a lot runs through from one street to another, both lot lines shall be construed to be front lot lines, and the lot may have no rear lot line.

**Lot lines.** The property lines bounding the lot.

**Lot width.** The mean horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area.

**Low-income and very low-income household.** "Low income" means any household whose income is fifty (50) to eighty (80) percent of the median household income for Santa Clara County, and as adjusted for family size. "Very low income" means any household whose income is less than fifty (50) percent of the median income for the Santa Clara County, and as adjusted for family size. Housing affordable to low-income and very low-income persons is where the total monthly housing cost does not exceed thirty (30) percent of the gross household income.

**Medical offices.** See "Medical services - clinics and laboratories."

**Medical services - clinics and laboratories.** Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services. Such facilities include: medical, dental and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under "Offices"); medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included.

Small-scale clinics include no more than two (2) separate health-care businesses (i.e., two separate doctors' offices not sharing reception/waiting facilities). Large-scale clinics include three or more health-care businesses, and may also include accessory retail pharmacies.

**Medical services - extended care.** Residential facilities providing nursing and health-related care as a principal use with inpatient beds, such as: skilled nursing facilities (facilities allowing care for physically or mentally disabled persons, where care is less than that provided by an acute care facility); extended care facilities; convalescent and rest homes; board and care homes. Long-term personal care facilities that do not emphasize medical treatment are classified in "Residential care homes."

**Medical services – hospitals.** Hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other

hospital services; such establishments have an organized medical staff, inpatient beds and equipment and facilities to provide complete health care. May include accessory retail uses (see the separate definition of "Accessory retail uses," and emergency heliports.

**Meeting halls.** Facilities that may be rented for public assembly.

**Membership organization facilities and meeting halls.** Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations (not including lodging); political organizations; country clubs (golf courses treated as a separate land use); and other membership organizations.

**Mixed-use development.** The development of a site or structure with two (2) or more different land uses, including a combination of residential, office, retail, public, manufacturing or entertainment in a single or physically integrated group of structures.

**Mobile home.** A vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

**Mobile home lot.** A prepared plot of land within a mobile home park used or designed to be occupied by one (1) and only one mobile home and its accessory structures.

**Mobile home park.** Any place, area or tract of land upon which one or more trailers are used for human habitation for either sleeping or living, irrespective of whether or not rent is charged for such accommodation.

**Motel, including hotel and motor hotel.** A building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests for compensation.

**Mountain View general plan.** The general plan for the city of Mountain View, California, as amended, prepared in accordance with California Government Code Article 6: Preparation, adoption and amendment of the general plan.

**Multiple-family development.** Multiple-family development includes a building, a group of buildings or a portion of a building used and/or designed as dwellings for three (3) or more families living independently of each other. Includes: triplexes and fourplexes (buildings under one (1) ownership with three (3) or four (4) dwelling units in the same building) and apartments (five (5) or more units under one ownership in a single building); senior citizen multiple-family housing; and common-ownership, attached-unit projects such as condominiums. Duplexes and townhouses are separately defined and treated as different land uses by this chapter.

**Nonconforming structure.** Any building, or structure or part thereof lawfully existing at the time of adoption of this chapter which is manifestly designed or arranged for a nonconforming use or any building, structure or part thereof which does not conform to the property development standards including building height, yards, distances between buildings, density, parking, lot coverage, open green area, signs or other similar regulations of the district in which it is located.

**Nonconforming use.** The use of any land or structure lawfully existing at the time of adoption of this chapter, or any amendment thereto, which does not conform with the use regulations of the district in which it is located on the effective date of such use regulations.

**Nursing home.** Any institution, place, building or agency which maintains and operates organized facilities for one (1) or more persons, but not more than nineteen (19) persons, for the care and treatment of human illness, including convalescence and care for the aged, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer.

**Occupancy.** That portion of a building occupied by one (1) tenant.

**Offices.** A facility used for business or personal services involving information processing, clerical work, consulting and record-keeping rather than sale or manufacturing of goods. The term "office" shall include, but not be limited to, general business offices and personal service offices such as tax preparation offices and real estate office, but does not include banks and other financial offices, medical, dental or related health-care services, administrative offices or research and development uses (see definition "Research and development").

**One-and-one-half story residential structure.** A residential structure where a top second floor is housed within a gable or hip roof structure, with a maximum vertical distance of twenty (20) feet from sidewalk grade to the highest ridge line of the roof.

**Open area.** The land area within a developed site that is not covered by buildings, paving dedicated to auto use, or garbage and refuse facilities. Open area is intended for active and passive recreational use and to provide access to the natural environment. Landscaping is the primary and preferred use of open area, but it may also include hard surfaces such as patios, decks, balconies, walkways, game courts, bicycle parking areas, swimming pools and associated structures that are not fully enclosed that are consistent with these purposes.

**Open automobile dedicated area.** That land reserved for the ingress, egress or parking of motor vehicles on any parcel. This does not include the land considered as aggregate floor area.

**Outdoor commercial recreation.** Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including: amusement, theme and kiddie parks; drive-in theaters; golf driving ranges independent from golf courses; miniature golf courses (golf courses are considered a separate land use); skateboard parks and water

slides; go-cart and miniature auto race tracks; recreation equipment rental (e.g., nonhighway motor vehicles, roller skates); health and athletic clubs with predominately outdoor facilities; tennis courts, swim and tennis clubs; and zoos. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including but not limited to bars and restaurants, fast-food restaurants, video game arcades, etc.

**Outdoor retail sales and activities.** Permanent outdoor sales and rental establishments including autos, other vehicles and equipment, and other uses where the business is not conducted entirely within a structure.

**Outdoor retail sales, temporary.** Temporary outdoor retail operations including: farmer's markets; seasonal sales of Christmas trees, pumpkins or other seasonal items; semiannual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales; and retail sales of various products from individual vehicles in temporary locations outside the public right-of-way. Vendors operating within the public right-of-way and sidewalk cafés are subject to the provisions of Divisions III and IV and Chapter 15 of the city code.

**Parking area, public.** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

**Parking space.** A permanently surfaced and marked area not less than eight-and-one-half (8-1/2) feet wide and twenty (20) feet long, excluding paved area necessary for access, for the parking of a motor vehicle.

**Personal services.** Establishments providing nonmedically related services, including beauty and barber shops; shoe repair shops; tanning salons; laundromats (self-service laundries); dry cleaners (includes self-contained facilities with dry-cleaning equipment serving the specific location only); clothing rental; and psychic readers. These uses may also include accessory retail sales of products related to the services provided.

**Personal storage facilities.** A facility consisting of a building or group of buildings that contains generally small, individual, compartmentalized stalls or lockers designed and constructed for the purpose of being rented as individual storage spaces and characterized by low parking demand.

**Pipelines and utility lines.** Transportation facilities for the conveyance of: crude petroleum; refined petroleum products such as gasoline and fuel oils; natural gas; mixed, manufactured or liquefied petroleum gas; or the pipeline transmission of other commodities. Also includes pipeline surface and terminal facilities, including pump stations, bulk stations, surge and storage tanks. Power transmission includes facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include

offices or service centers (classified under "Offices"), distribution substations (classified under "Public utility facilities").

**Planned unit development permit.** A discretionary land use permit issued after a process for reviewing a project containing nontraditional or unique site plan design and interrelated structures, open space or access, reviewed by the zoning administrator in compliance with Article A36.58, Planned unit development permits. This process affords maximum flexibility and diversity in site planning, structure height and location while protecting the basic integrity and character of the zoning district designation on the property. The PUD process cannot be used to approve a project that exceeds the maximum density for the zone district.

**Pool or billiard room.** For the purposes of this chapter, the term "pool or billiard room" shall have the same definition as set forth in the Mountain View city code, Sec. 26.11.1.

**Pool or billiard table.** For the purposes of this chapter, the term "pool or billiard table" shall have the same definition as set forth in the Mountain View city code, Sec. 26.11.1.

**Poultry farm.** Any premises used for the breeding, raising or maintaining of poultry for sale of eggs or poultry.

**Precise plans.** A document usually comprised of maps, pertinent data and text, standards and criteria, which pertains to a limited area of the community and which serves to bridge the gap between broad policies reflected in the general plan and the more immediate means of implementation. A precise plan may be adopted for the P (planned community) district for this purpose.

**Printing and publishing.** Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process including electrostatic (xerographic) copying; and establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

**Public safety facilities.** Facilities operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

**Public utility facilities.** Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations; telephone switching facilities; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; community wastewater treatment plants, settling ponds and disposal fields;



corporation and maintenance yards. These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

**Recreational trailer park.** Any area or tract of land where one or more lots are rented or leased or held out for rent, or leased to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.

**Recreational vehicle.** A camp car, mobile home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures; bath and toilet rooms and is identified as a recreational vehicle by the manufacturer.

**Recycling Facilities:**

1. **Collection facility.** A center for the acceptance by donation, redemption or purchase of recyclable materials from the public which may include the following:
  - a. Reverse vending machine(s);
  - b. Small collection facilities which occupy an area of three hundred fifty (350) square feet or less and may include:
    - (1) A mobile unit;
    - (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet; and
    - (3) Kiosk-type units which may include permanent structures.
  - c. Large collection facilities which may occupy an area of more than three hundred fifty (350) square feet and may include permanent structures.
2. **Convenience zones.** An area within a one-half (1/2) mile radius of a supermarket.
3. **Mobile recycling unit.** An automobile, truck, trailer or van licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.

4. **Processing facility.** A structure or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment or to an end-user's specifications by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the land use definition of "Recycling, scrap and dismantling yards:"
  - a. Light processing facility occupies an area of under forty-five thousand (45,000) square feet of collection, processing and storage area and averages two (2) outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers; and
  - b. A heavy processing facility is any processing facility other than a light processing facility.
5. **Recycling facility.** A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of state law (California Beverage Container Recycling and Litter Reduction Act of 1986). A recycling facility does not include storage containers located on a residential, commercial or industrial designated parcel used solely for the recycling of material generated on the parcel.
6. **Recycling or recyclable material.** Reusable domestic containers including, but not limited to, glass, metals, paper and plastic which are intended for reconstitution; remanufacture or reuse for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials.
7. **Reverse vending machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited, to aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by state law. Multiple grouping of reverse vending machines may be necessary. A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one (1) container at a time and will pay by weight instead of by container.
8. **Scrap and dismantling yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap and the incidental wholesale or retail sales of parts from vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted

entirely within buildings, pawn shops and other secondhand stores, the sale of operative used cars, or terminal waste disposal sites.

**Remnant parcel.** A parcel that is less than five thousand (5,000) square feet in area which was created by an action of a public agency, such as for a right-of-way, easement, street dedication or an abandonment.

**Repair and maintenance - consumer products (land use).** Service establishments where repair of consumer products is the principal business activity including: electrical repair shops; television and radio and other appliance repair; watch, clock and jewelry repair; reupholstery and furniture repair. Does not include shoe repair (included under "Personal services"). Does not include businesses serving the repair needs of heavy equipment, which are included under "Business support services."

**Repair and maintenance - vehicle.** This use includes major and minor categories. Generally, the use includes the repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes) or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a principal use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Also includes tire recapping establishments. Does not include: automobile parking (see "Vehicle storage"), repair shops that are part of a vehicle dealership on the same site, which are included under "Auto, mobile home, vehicle and parts sales;" service stations, which are separately defined; or automobile dismantling yards which are included under "Recycling - scrap and dismantling yards." Major vehicle repair facilities deal with entire vehicles; minor facilities specialize in limited aspects of repair, i.e., car washes, muffler and radiator shops, quick-lube, etc. (see "Automotive repair, minor" and "Automotive repair, major").

**Research and development.** A land use devoted to scientific and engineering research and the design, development and testing of new technology and products; usually includes some laboratory space or other small-scale manufacturing operations. This definition includes software and internet companies and other similar uses.

**Restaurant (land use).** The retail sale of food and beverages that are prepared on the same premises. Types of restaurants include:

- (a) **Counter service.** A restaurant where a customer orders and picks up the food at a central counter and where the restaurant maintains tables or counters for on-premise consumption of the food and beverages. This definition does not include the serving of single specialty items such as ice cream, restaurants where food is prepared and sold but not consumed on the premises (see "Take-out" below), but does include the counter service portion of restaurants providing both counter and table service.
- (b) **Fast food.** Franchised or independently operated restaurants where customers are served prepared food from an ordering counter or drive-through aisle, for either on- or off-premise consumption.

- (c) **Table service.** A restaurant where orders are placed and prepared food is brought to a customer for consumption at a table or counter maintained by the restaurant.
- (d) **Take-out.** A restaurant that provides no tables or counters on the premises for the consumption of food otherwise prepared and served on the premises.

**Retail food establishment.** Any building, structure or establishment used for the preparation of food but which provides no tables or counters on premises for the consumption of food; thereby requiring a customer who purchases food to take food off premises for consumption.

**Retail stores, general merchandise (land use).** Retail trade establishments selling many lines of merchandise. Such types of stores and lines of merchandise include, but are not limited to:

- artists' supplies
- auto parts (not repair or machine shops)
- bakeries (retail only)
- bicycles
- books
- cameras and photographic supplies
- clothing and accessories
- department stores
- drug and discount stores
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only—outdoor sales are "Plant nurseries")
- general stores
- gifts, novelties and souvenirs
- handcrafted items (stores may include crafting operations subordinate to sales)
- hardware
- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- newsstands
- orthopedic supplies
- pet stores
- religious goods
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores

**Roadside stand.** A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

**Secondhand stores.** Indoor retail establishments that buy and sell used products including, but not limited to, books, clothing, furniture and household goods. The sale of cars and other used vehicles is included under "Auto, mobile home, vehicle and parts sales."

**Service station.** A retail business selling gasoline or other motor vehicle fuels, which may also provide vehicle engine maintenance and repair services incidental to fuel sales (if permitted in the applicable zoning district). May also include accessory towing and trailer rental services spaces (if permitted in the applicable zoning district), but not the storage or

repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking.

**Setback.** The minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

**Schools – college and university.** Community colleges, public or private universities and professional schools granting associates art degrees, certificates, undergraduate and graduate degrees and requiring admission for admission at least a high school diploma or equivalent general academic training and not otherwise defined as a private educational facility.

**Schools – private.** Any educational institution, not under public administration, including: privately owned schools and schools owned and operated by religious organizations, or other similar activity or pursuit. This definition does not include community or junior colleges, colleges or universities.

**Schools – public.** A building or group of buildings for educational and/or classroom purposes operated in the Mountain-Whisman Elementary School District, Mountain View High School District or Los Altos Unified School District and/or other public education institutions, such as charter schools, offering a general course of study at primary, secondary or high school levels which offers instruction in those courses of study required by the California Education Code.

**Schools – specialized education and training.** Business, secretarial schools and vocational schools offering specialized trade and commercial courses. Includes specialized nondegree-granting schools offering such subjects as: art, drama, language, music, driver education, ballet and other dance and after-school tutoring centers. Also includes seminaries and other facilities exclusively engaged in training for religious ministries, and establishments furnishing educational courses by mail. Facilities, institutions and conference centers are included that offer specialized programs in personal growth and development (including fitness, environmental awareness, arts, communications and management, as examples).

**Shopping center.** A building or buildings in which are situated no less than five (5) separate tenants or occupants whose combined gross floor area totals at least twenty thousand (20,000) square feet where no more than ten (10) percent of such tenants' or occupants' combined gross floor area is devoted to restaurant use, where the zoning administrator determines that such tenants or occupants are engaging in compatible uses and which uses are located on the same lot or located on separate but abutting lots tied together by binding legal agreements providing rights of reciprocal vehicular parking and vehicular access.

**Sign.** Any card, cloth, glass, metal, painted, paper, plastic, wooden or other configuration of any character placed in or on the ground or any tree, wall, bush, rock, fence, pavement,

building, structure or thing, for the purpose of advertising, announcing, declaring, demonstrating or displaying information about a specific business, occupant use, activity or building including, but not limited to, clocks, barber poles and similar devices, and excluding official notices issued by a court or public officer.

**Sign area.** The calculated area of all parts and surfaces of a sign except the supporting structure. The sign area shall be measured by means of a single rectangular or circular shape that encloses all sign elements. For signs with more than one side that is visible to the public, the sign area shall be the total of the calculated area of all sides.

**Sign, decorative graphics.** Decorative graphics shall be defined to include any graphic symbol, logo, monogram, words treated as a graphic image or other symbolic device which identifies the specific business or products or services offered on the premises or which relates to the contents of the building-mounted sign. This section shall apply only to commercial signs.

**Sign, directional.** Any sign the sole purpose of which is to regulate the flow of pedestrians and vehicles on private property.

**Sign, freestanding.** Any sign not entirely supported by a building.

**Sign, identification.** Any sign the sole purpose of which is to identify the appurtenant premises, the occupant of the premises or the principal business conducted on the said premises or the principal product sold or service performed on the said premises.

**Sign, nonappurtenant.** Any sign which does not relate to, or which relates only incidentally to, the occupant of the appurtenant premises or the principal business conducted thereon or the principal product sold or service performed thereon.

**Sign, real estate.** Any sign the purpose of which is to declare the appurtenant real property for rent, lease or sale.

**Sign, window.** Window signs shall include any graphics material, words or symbols attached to the glass surface of a building or located within four (4) feet of the inside surface of a window that is viewable by the public. Window graphics and displays complying with Section A36.38.060.B9(d) shall not be considered "window signs".

**Significant tobacco retailers.** Any tobacco retailer that either devotes twenty (20) percent or more of floor area or display area to, or derives seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia at the subject location. This definition shall not include cigar stores which qualify for exemption under Section 21.61 of the Mountain View municipal code.

**Single-family dwellings.** A detached building designed for and/or occupied exclusively by one (1) family. Also includes factory-built housing (modular housing).

**Small-lot, single-family development.** Small-lot, single-family development consists of two (2) or more detached single-family dwellings within a planned unit development project on individual lots that typically average between three thousand six hundred (3,600) square feet to four thousand three hundred (4,300) square feet per lot.

**Storage, accessory.** The indoor storage of various materials on the same site as a principal building or land use which is other than storage which supports the activities or conduct of the principal use. Includes the storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use.

**Street.** A publicly maintained right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

**Structure.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Supergraphics.** Painted or otherwise colored, specific symbols, shapes or devices on the walls of a building wherein the primary intent is decoration and architectural enhancement of a building. Supergraphics shall not be used to convey information about a specific occupant of a building or of a specific type of use within a building, or specifically direct attention to the identification sign or signs of a tenant within a building or of the building itself.

**Swimming pool.** Any pool, pond, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than three (3) feet.

**Theaters.** Indoor facilities for public assembly and group entertainment other than sporting events, such as: public and semi-public auditoriums, exhibition and convention halls, civic theaters and facilities for "live" theater and concerts, motion picture theaters and similar public assembly uses. Outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events are included under the definition of "Sport facilities and outdoor public assembly."

**Townhouse development.** A group of two (2) or more attached single-family dwellings where each unit has its own front and rear access to the outside, no unit is located over another unit, each unit is separated from others by one or more common and fire-resistant walls and owners have fee simple title to the property and each has a private "open area."

**Trailer.** Any unit used or designed to be used for living or sleeping purposes, or both, and which is designed to be equipped with wheels or similar devices used, or to be used, for the purpose of transporting said unit from place to place, in compliance with the provisions of the California vehicle code, whether by motive power or other means.

**Trailer park.** Any place, area or tract of land upon which one (1) or more trailers are used for human habitation, either sleeping or living; irrespective of whether or not rent is charged for such accommodation.

**Transit stations and terminals.** Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

**Travel trailer.** A vehicle other than a motor vehicle, which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the vehicle code.

**Vehicle storage.** Service establishments in the business of storing operative cars, buses, recreational vehicles and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a principal use. (All principal uses are considered to include any customer or public use off-street parking required by this ordinance.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling, scrap and dismantling yards").

**Veterinary clinics and animal hospitals.** Any premises to which animals are brought, or where they are temporarily kept, solely for purposes of diagnosis or treatment of any illness or injury.

**Wall plate.** The top most structural element of a wall frame.

**Warehouse.** A building or part of a building that is constructed or adapted for the storage of goods or merchandise, as distinguished from personal storage facilities.

**Warehouse retail.** Retail businesses that retail goods in large quantities to the general public in a building or on a site that is large and industrial in character.

**Wholesaling and distribution.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: merchant wholesalers; agents, merchandise or commodity brokers and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products; stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment to contractors or other wholesales.



**Yard, front.** An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

- (a) **Front yard, least depth.** The shortest distance measured horizontally, between the closest part of the nearest building, other than such parts herein excepted, and the front lot line.
- (b) **Front yard, least depth, how measured.** Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the lot front line) provided, however, that if a precise plan line has been officially adopted, and it differs from the existing right-of-way line of the existing street, then the required front yard least depth shall be measured from the precise plan line of such street as adopted.

**Yard, rear.** An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

- (a) **Rear yard, least depth.** The shortest distance measured horizontally, between the closest part of the nearest building, other than such parts herein excepted, and the rear lot line.

**Yard, side.** An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

- (a) **Yard, side, least width.** The shortest distance, measured horizontally between the closest part of the nearest building, other than such parts hereinafter excepted, and the nearest side lot line.
- (b) **Yard, side, least width, how measured.** Such width shall be measured from the nearest side lot line and in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street provided, however, that if a precise plan line has been officially adopted, and it differs from the existing right-of-way line of the existing street, then the required side yard least width shall be measured from the precise plan line of such street as adopted.

**Zoning administrator.** The zoning administrator of the city of Mountain View."

Section 4. Amend Chapter 36 of the Mountain View City Code to add the following provisions to read in their entirety:

(a) **"SEC. 36.2.5. Section references.**

Chapter 36 of the Mountain View city code, the zoning ordinance, is in the process of being updated and reformatted. Various references to section numbers of this code included in the ordinance, especially to sections that begin with the designation "36," may refer to text that has been reformatted, updated or otherwise amended and renumbered with a designation beginning with "A36." All such references to sections numbers in this chapter should be checked against the table of updated numbers found as Appendix A of this ordinance. In event of any question about the applicability of a specific section of section reference, the zoning administrator shall make the final determination. The applicant may request a written copy of the zoning administrator's determination of the applicability of sections or section references pertaining to this chapter."

(b) **"Appendix A: Past ordinance numbers and equivalent updated ordinance numbers.**

Past ordinance number	Updated ordinance number
<b>36.3 through 36.3.78– Definitions</b>	A36.95 - Definitions
<b>36.9 - R1 District Purpose</b>	A36.12.010.A - R1 District Purpose
<b>36.9.1 through 36.9.3 – R1 Permitted, Accessory and Conditional Uses</b>	A36.12.020 - Table of Residential Land Use and Permit Requirements
<b>36.9.4 through 36.9.5(f) - R1 District Development Standards</b>	A36.12.030.A through A36.12.030A.7 - R1 District Development Standards
<b>36.9.6 through 36.9.6 (b) (4) – R1 District Signs</b>	A36.38 through A36.38.070.G - Signs
<b>36.9A - Neighborhood Design Overlay District</b>	A36.20.030 through A36.20.030.D.2 – Neighborhood Design Overlay District
<b>36.10 - R2 District Purpose</b>	A36.12.010.B - R2 District Purpose
<b>36.10.1 through 36.10.3 – R2 Permitted, Accessory and Conditional Uses</b>	A36.12.020 - Table of Residential Land Use and Permit Requirements
<b>36.10.4 through 36.10.5 (f) - R2 District Development Standards</b>	A36.12.030.B through A36.12.030B.3.d - R2 District Development Standards
<b>36.10.6 through 36.10.6 (b) (4) – R2 District Signs</b>	A36.38 through A36.38.070.G - Signs
<b>36.11 – R3 District Purpose</b>	A36.12.010.C – R3 District Purpose
<b>36.11.1 through 36.11.3 - R3 Permitted, Accessory and Conditional Uses</b>	A36.12.020 - Table of Residential Land Use and Permit Requirements
<b>36.11.4 through 36.11.12 (b) – R3 District Development Standards</b>	A36.12.030.C through A36.12.030C.4 – R3 District Development Standards
<b>36.11.13 through 36.11.13 (b) (6) – R3 District Signs</b>	A36.38 through A36.38.070.G - Signs
<b>36.12 - R3d District Purpose</b>	A36.12.010.C – R3 District Purpose
<b>36.12.1 through 36.12.3 R3d Permitted, Accessory and Conditional Uses</b>	A36.12.020 - Table of Residential Land Use and Permit Requirements
<b>36.12.4 through 36.12.10 – R3d District Development Standards</b>	A36.12.030.C through A36.12.030C.4 – R3 District Development Standards

<b>36.12.11 through 36.12.11 (b) (6) – R3d District Signs</b>	A36.38 through A36.38.070.G - Signs
<b>36.12A through 36.12A.13 (b) - R3P District</b>	[District rescinded.]
<b>36.13 – R2M District Purpose</b>	A36.12.010.D – RMH District Purpose
<b>36.13.1 through 36.13.3 – R2M Permitted, Accessory and Conditional Uses</b>	A36.12.020 – Table of Residential Land Use and Permit Requirements
<b>36.13.4 through 36.13.6 (h) – R2M District Development Standards</b>	A36.12.040.E – RMH District Development Standards
<b>36.13.7 through 36.13.7 (b) (6) R2M District Signs</b>	A36.38 through A36.38.070.G - Signs
<b>36.13A through 36.13A.6 (i) – R1-M District</b>	[District rescinded.]
<b>36.23.1 – Height Limitation Overlay District for R Districts</b>	A36.20.020 through A36.20.020.C.2 – Height Limitation Overlay District
<b>36.39.1 through 36.39.1 (c) – Private Swimming Pools</b>	A36.36.12.040.G.7 through A36.36.12.040.G.7.c Swimming Pools/Spas/Hot Tubs
<b>36.39.19 through 36.39.19 (e) (6) – Habitable trailers in R zones</b>	A36.12.040.F through A36.12.040.F.4 – Mobile Homes/Manufactured Housing in R Zones

<b>Past ordinance number</b>	<b>Updated ordinance number</b>
<b>36.14 CN district purpose</b>	36.14.010A CN District Purpose
<b>36.14.1 Principal permitted uses</b>	36.14.020 Uses that are permitted in Commercial Zones (table)
<b>36.14.2 Accessory uses</b>	36.14.020 (table)
<b>36.14.3 Conditional uses</b>	36.14.020 Uses that require a CUP (table)
<b>36.14.4 Height regulations</b>	36.14.030A Commercial Zone General Development Standards
<b>36.14.5 Area, lot width and yard requirements</b>	36.14.030A Commercial Zone General Development Standards
<b>36.14.6 Other required conditions</b>	36.14.030C CN Zoning District special standards
<b>36.14.7 Signs</b>	A36.38 through A36.38.070.G - Signs

<b>Past ordinance number</b>	<b>Updated ordinance number</b>
<b>36.16 CG District Purpose</b>	36.14.010B CS District Purpose
<b>36.16.1 Principal permitted uses</b>	36.14.020 Uses that are permitted in Commercial Zones (table)
<b>36.16.2 Accessory uses</b>	36.14.020 (table)
<b>36.16.3 Conditional uses</b>	36.14.020 Uses that require a CUP (table)
<b>36.16.4 Height regulations, area, lot coverage and yard requirements</b>	36.14.030A Commercial Zone General Development Standards
<b>36.16.5 Other required conditions</b>	Being moved to 36.42.110 (Standards for specific uses)
<b>36.16.6 Signs</b>	A36.38 through A36.38.070.G - Signs

<b>Past ordinance number</b>	<b>Updated ordinance number</b>
<b>36.16A C3 District Purpose</b>	36.14.010D CRA District Purpose
<b>36.16A.1 Principal permitted uses</b>	36.14.020 Uses that are permitted in Commercial Zones (table)
<b>36.16A.2 Accessory uses</b>	36.14.020 (table)
<b>36.16A.3 Conditional uses</b>	36.14.020 Uses that require a CUP (table)
<b>36.16A.4 Height regulations</b>	36.14.030A Commercial Zone General Development Standards
<b>36.16A.5 Yard requirements/guidelines</b>	36.14.030A Commercial Zone General Development Standards
<b>36.16A.5A Development standards for residential and mixed use</b>	36.14.030E CRA Zoning District special standards
<b>36.16A.6(d) Landscaping requirements/guidelines</b>	36.32.060B3 Specific Landscaping Requirements - CRA zone
<b>36.16A.7 Signs</b>	A36.38 through A36.38.070.G - Signs

<b>Past ordinance number</b>	<b>Updated ordinance number</b>
<b>36.17 O District Purpose</b>	36.14.010C CO District Purpose
<b>36.17.1 Principal permitted uses</b>	36.14.020 Uses that are permitted in Commercial Zones (table)
<b>36.17.2 Accessory uses</b>	36.14.020 (table)
<b>36.17.3 Conditional uses</b>	36.14.020 Uses that require a CUP (table)
<b>36.17.4 Height regulations</b>	36.14.030A Commercial Zone General Development Standards
<b>36.17.5 Area, lot width and yard requirements</b>	36.14.030A Commercial Zone General Development Standards
<b>36.17.6 Other required conditions</b>	36.14.020A Commercial Zone Land Use and Permit Requirements
<b>36.17.7 Signs</b>	A36.38 through A36.38.070.G - Signs

<b>Past ordinance number</b>	<b>Updated ordinance number</b>
<b>36.39 Provisions applying to special uses</b>	36.42.010B Specific Land Uses – Applicability
<b>36.39.3 Home occupations</b>	36.42.110 Home occupations
<b>36.39.4 Dish antennas greater than one meter</b>	Moved to new section
<b>36.39.5 Outdoor merchandise display</b>	36.42.130 Outdoor Merchandise Display and Activities
<b>36.39.6 Single-room living facilities</b>	36.42.170 Efficiency Studios
<b>36.39.7 Agricultural processing plants</b>	36.42.040 Agricultural Processing
<b>36.39.8 Drive-in theatres</b>	Removed
<b>36.39.9 Cemetery, crematory, mausoleum, columbarium</b>	36.42.050 Cemeteries, Columbarium's, Mortuaries
<b>36.39.10 Private stables and paddocks and livestock facilities</b>	Removed
<b>36.39.11 Retail sales for guests only</b>	Removed

<b>36.39.12 Massage establishments</b>	36.42.120 Massage Establishments
<b>36.39.16 Temporary tract offices</b>	Removed
<b>36.39.17 Excavations, fills or grading</b>	Implemented through Building and Development Review process
<b>36.39.18 Landing strips for aircraft, heliports</b>	36.42.100 Heliports
<b>36.39.20 Animals permitted as accessory uses</b>	See chapter 5 of the Municipal Code
<b>36.39.21 Adult entertainment establishment zones</b>	36.42.030 Adult Entertainment Establishments
<b>36.39.22 Extremely hazardous materials and highly sensitive uses</b>	36.42.080 Extremely Hazardous Materials and Highly Sensitive Uses
<b>36.39.23 Small family child care homes</b>	36.42.060 Child Day Care Facilities
<b>36.39.24 Large family child care homes</b>	36.42.060 Child Day Care Facilities

<b>Past ordinance number</b>	<b>Updated ordinance number</b>
<b>36.42, page 594, 36.54, page 604, and 36.7.1, pages 512 to 513</b>	36.50 – General Authority
<b>36.50, pages 602-2 to 602-3</b>	36.52 – Development Review Permits
<b>36.49, pages 601 to 602-2</b>	36.54 – Temporary Use Permits
<b>36.44, pages 595 to 596</b>	36.56 – Variances
<b>36.48, pages 600 to 601</b>	36.58 – Planned Unit Developments
<b>36.43, pages 594 to 595</b>	36.60 – Conditional Use Permits
<b>36.13.8 through 36.13.10 (c), pages 528 to 528-2</b>	36.62 – Mobile Home Park Permits
<b>36.22b.4+, pages 564 to 564-2</b>	36.64 – Transit Oriented Development Permits
<b>36.22A.5+, pages 562 to 564</b>	36.66 – Special Design Permits
<b>Each of the 35 separate Precise Plans &amp; 36.22.6+, pages 560 to 561</b>	36.68 – Planned Community Permits
<b>36.22.5.1, pages 559 to 560 &amp; 36.45, pages 596 to 597</b>	36.70 – Precise Plans
<b>36.29.4 through 36.29.4 (d) – Non-conforming Signs – Discontinuance</b>	A36.38.080 through A36.38.090.C – Abatement of Non-conforming Signs and Removal of Illegally Installed/Maintained Signs
<b>36.45, pages 596 to 597</b>	36.72 – General Plan Amendments
<b>36.47, pages 598 to 600</b>	36.74 – Zoning Amendments
<b>36.60, pages 608-1 to 608-3</b>	36.76 – Development Agreements
<b>Scattered throughout the ordinance in each separate permit process section, and 36.55, pages 604-1 to 606</b>	36.80 – Applications, Hearings and Appeals
<b>Scattered throughout the ordinance in each separate permit process section, and 36.46, page 598</b>	36.84 – Time Limits, Extensions and Revocations
<b>36.2.4, page 501 &amp; 36.54.1 (6), page 604</b>	36.90 – Procedures for Interpretations
<b>36.52 and 36.53, page 604</b>	36.92 – Enforcement of Provisions"

(c) **"SEC. A36.2.6. Review and permit process references.**

All references to review and permit processes contained in this chapter including, but not limited to, site plan and architectural review; development review; temporary use permits; variances; planned unit development permits; conditional use permits; mobile home park

permits; transit-oriented development permits; special design permits; planned community permits; precise plans and precise plan amendments; general plan amendments; zoning amendments; rezonings; developer agreements; applications, hearings and appeals; time limits, extensions and revocations; interpretations; or enforcement shall be considered to refer to the equivalent named sections identified in the table of contents of the section of this chapter listed under "A36." The administrative procedures described in Sections A36.54 through and including A36.92 shall apply to all zone districts and permits covered by this chapter. In event of any question about the applicability of a specific section of section reference, the zoning administrator shall make the final determination. The applicant may request a written copy of the zoning administrator's determination of the applicability of sections or section references pertaining to this chapter."

**(d) Add Section A36.42.170, Vehicle sales and repair operations, parking, to read in its entirety and renumber following sections accordingly:**

**"SEC. A36.42.170. Vehicle sales and repair operations, parking.**

- (a) The business of vehicle sales, towing or repairs, whether for new vehicles, used vehicles, rentals or leases (collectively "vehicle business(es)"), must be conducted solely on private property without storing or parking any of the vehicles that are in any way connected with the vehicle business on public or private property that is not part of the vehicle business.
- (b) No person who owns, operates, leases or otherwise has control over a vehicle business shall allow any vehicle that is stored, has been towed or is for sale, lease, rental or under repair as part of that business to be parked on any public street or thoroughfare within five hundred (500) feet of the property comprising the vehicle business.
- (c) Violation of this section may be punished pursuant to Section 1.7 of the city code. In addition, after written notice delivered by certified mail to the owner or operator of the vehicle business, any vehicle found in violation of this section within six (6) months of said notice may be towed and impounded by the city and retained as evidence in the prosecution of a violation of this section. The owner of the vehicle business shall be liable, in addition to any penalties, for the costs of towing, impounding and storing of the vehicles as well as any liability for the loss of use of the vehicle to the owner or third party.
- (d) For purposes of this section, vehicle repair shall include dismantling, disassembling, building, remodeling, assembling, repairing, painting, washing, cleaning, servicing or storing of motor vehicles, boats, trailers, airplanes and aircraft."

Section 5. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 7. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

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The foregoing ordinance was regularly introduced at the Special Meeting of the City Council of the City of Mountain View, duly held on the 8th day of April, 2003, and will be given a second reading and presented for adoption at the Regular Meeting of said City Council, to be held on the 22nd day of April, 2003.

(SEAL)

PUBLISHED: \_\_\_\_\_

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ANGELITA M. SALVADOR, CITY CLERK  
CITY OF MOUNTAIN VIEW

MJP/4/ORD  
812-04-08-03o-E^